

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

IN RE INCRETIN-BASED
THERAPIES PRODUCTS LIABILITY
LITIGATION

Case No. 13md2452 AJB (MDD)

**JOINT MOTION FOR ORDER OF
DISMISSAL PURSUANT TO
FED. R. CIV. P. 41(A)(2)**

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. Mitchell D. Dembin

Shane Sowatzski, Individually and as
Personal Representative of Max
Sowatzski v. Amylin Pharmaceuticals,
LLC, et al.

No. 14-CV-1164-AJB-MDD

Case No. 13md2452 AJB (MDD)

JOINT MOTION FOR DISMISSAL

Pursuant to Rule 41(a)(2) of the FEDERAL RULES OF CIVIL PROCEDURE, Plaintiff Shane Sowatzski, Individually and as Personal Representative of Max Sowatzski, by counsel, and Defendants Amylin Pharmaceuticals, LLC and Eli Lilly and Company, by counsel (collectively “the Parties”), hereby move for the entry of the attached proposed Order of Dismissal, dismissing without prejudice all claims, counterclaims, defenses and any pending motions in the above-captioned action as between the Parties, with the Parties bearing their own fees and costs.

Respectfully submitted,

/s/ Ernest W. Boyd
Ernest W. Boyd, Esq.
The Butch Boyd Law Firm
2905 Sackett Street
Houston, Texas 77098
Telephone: 713-589-8477
butchboyd@butchboydlawfirm.com

Attorney for Plaintiff Sowatzski

PEPPER HAMILTON LLP
Nina M. Gussack
Kenneth J. King

By: /s/ Kenneth J. King
E-mail: kingk@pepperlaw.com

Attorneys for Eli Lilly and Company

O’MELVENY & MYERS LLP
Richard B. Goetz
Amy J. Laurendeau

By: /s/ Amy J. Laurendeau
E-mail: alaurendeau@omm.com

*Attorneys for Amylin Pharmaceuticals,
LLC*

SIGNATURE ATTESTATION

I hereby certify that authorization for the filing of this document has been obtained from each of the other signatories shown above and that all signatories concur in the filing's content.

/s/ Stephen P. Swinton

Stephen P. Swinton

PROOF OF SERVICE

I hereby certify that on this 19th day of February, 2015, I electronically filed the Parties' Joint Motion For Order Of Dismissal Pursuant To Fed. R. Civ. P. 41(a)(2) using the CM/ECF system, which will automatically send an email notification to participants in the case who are registered CM/ECF users.

/s/ Stephen P. Swinton

Stephen P. Swinton